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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,353	08/14/2001	Naoya Suzuki	212667US6	6434
22850	7590	05/16/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WALSH, JOHN B	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/928,353	SUZUKI, NAOYA	
<b>Examiner</b>	<b>Art Unit</b>		
John B. Walsh	2151		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,4,13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,4,13,15 and 16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/23/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,216,158 to Luo et al.

Luo et al. disclose an information processing system comprising a remote controller terminal (palm sized computer, 100) and an information processing device (110, 120, 130, 140, 150; column 1, lines 18-19), said information processing system wherein: said remote controller terminal includes: a wireless telephone mechanism configured to communicate via a wireless telephone network (column 5, lines 57-65); first wireless communication means for performing wireless communication with said information processing device (column 5, lines 57-65); operation means for entering a command for displaying at least menu items of said remote controller terminal, and for entering a command for requiring a function item of said information processing device and for selecting the function item from among said function items (input capabilities; column 1, lines 24-25); first control means for controlling said wireless communication means to send a first command for requiring said function item and sending a second command for requiring further information of said function item according to operation of said operation means (inherent that Palm has a receiver/transmitter and CPU which may act as

control means); and display means for displaying said menu items, said function item and said further information (figure 1, palm 100 has a screen for displaying); said information processing device (110, 120, 130, 140, 150, column 1, lines 18-19) includes: second wireless communication means for performing wireless communication with said remote controller terminal (column 5, lines 57-65, info processing device has transmitter/receiver which communicates with the Palm via the selected mode of communication, i.e. wireless); and second control means (inherent that information processing device has a CPU for controlling, column 1, lines 18-19) for controlling said second wireless communication means to send the function item and further information to said remote controller terminal according to said first command and said second command transmitted from said remote controller terminal.

As concerns claim 13, a wireless telephone mechanism configured to communicate via a wireless telephone network (column 5, lines 57-65); wireless communication means for performing wireless communication with said information processing device (column 5, lines 57-65); operation means for entering a command for displaying at least menu items of said remote controller terminal, and for entering a command for requiring a function item of said information processing device and for selecting the function item from among said function items (input capabilities, column 1, lines 24-25); control means for controlling said wireless communication means to send a first command for requiring said function item and sending a second command for requiring further information of said function item according to operation of said operation means (inherent that Palm has a receiver/transmitter and CPU which may act as control means).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,216,158 to Luo et al. as applied to claims 1 and 13 above in view of EP 0 797 336 A2.

As concerns claims 3 and 15, wherein said operation means is a jog dial for selecting the function item out of the plurality of said function items by rotation operation and fixing a selection of function item by a pushing operation.

Luo et al. '158 do not explicitly disclose a jog dial.

EP '336 teaches a jog dial (61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the palm of Luo et al. '158 with a jog dial, as taught by EP '336, in order to provide a means of selecting a desired function with one hand which also is used to hold the palm as well.

As concerns claims 4 and 16, wherein said display means of said remote controller terminal scroll-displays the plurality of function item names in accordance with the rotation operation of said operation means by the user, and also remarkably displays a desired function

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item name being selected (inherent that a jog dial will scroll through a display of functions when rotated).

***Response to Arguments***

5. Applicant's arguments filed February 20, 2005 have been fully considered but they are not persuasive. The applicant argues that Luo does not disclose a wireless telephone that is configured to perform communication via a wireless telephone network or two wireless communication mechanisms in the remote controller terminal. Luo does disclose these limitations (see column 5, lines 57-65).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

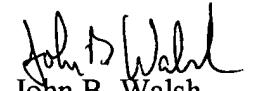
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Walsh  
Primary Examiner  
Art Unit 2151